

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

PHILLIP MARK BAILEY	§	
v.	§	CIVIL ACTION NO. 6:03cv452
CHRIS TURNER, ET AL.	§	

MEMORANDUM OPINION AND ORDER OF DISMISSAL

The Plaintiff Phillip Mark Bailey, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged deprivations of his constitutional rights. The parties have consented to allow the undersigned United States Magistrate Judge to enter final judgment pursuant to 28 U.S.C. §636(c).

On May 31, 2007, the parties filed a stipulation of dismissal without prejudice. Rule 41(a), Fed. R. Civ. P., permits plaintiffs to dismiss their actions without need for leave of court by either filing a notice of dismissal prior to service of a responsive pleading or by filing a stipulation of dismissal signed by all parties. Rule 41(a)(2), Fed. R. Civ. P., states that except as provided in Rule 41(a)(1), an action shall not be dismissed at the plaintiff's instance except upon order of court and upon such terms as the court deems proper.

In this case, the parties have requested that the lawsuit be dismissed. The Court has considered his request and has determined that it is meritorious. It is accordingly

ORDERED that the above-styled civil action is hereby DISMISSED without prejudice on the motion and stipulation of the parties. It is further

ORDERED that any and all motions which may be pending in this civil action are hereby DENIED.

So **ORDERED** and **SIGNED** this **4** day of **June, 2007**.

  
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JUDITH K. GUTHRIE  
UNITED STATES MAGISTRATE JUDGE